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9 Third Party Plaintiffs ASSURANCE
10 COMPANY OF AMERICA and MARYLAND
11 CASUALTY COMPANY

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 UNITED NATIONAL INSURANCE) CASE NO.: 2:10-cv-01086-MMD-NJK
15 COMPANY, licensed to business in the State)
16 of Nevada,)
17 Plaintiff,)
18 vs.)
19 ASSURANCE COMPANY OF AMERICA,)
20 licensed to do business in the State of Nevada,)
21 and MARYLAND CASUALTY COMPANY,)
22 licensed to do business in the State of Nevada,)
23 Defendants.)
24 ASSURANCE COMPANY OF AMERICA,)
25 and MARYLAND CASUALTY COMPANY,)
26 Third-Party Plaintiffs,)
27 vs.)
28 NATIONAL FIRE & MARINE INSURANCE)
29 COMPANY,)
30 Third-Party Defendant.)

1 **PURSUANT TO LOCAL RULE 7-1**, Defendants/Counterclaimants/Third-Party
 2 Plaintiffs Assurance Company of America ("Assurance") and Maryland Casualty Company
 3 ("Maryland") (jointly "Zurich"); and Plaintiff/Counter-Defendant United National Insurance
 4 Company ("United National") (collectively, the "Parties") hereby stipulate and
 5 agree as follows:

6 1. On September 13, 2012, Zurich filed its Motion for Summary Judgment on United
 7 National Insurance Company's First Amended Complaint (EFC No. 81). After receiving an
 8 extension of time in which to respond to the motion, on October 17, 2012, United National
 9 brought an emergency motion for relief under FRCP 56(d) to conduct additional discovery before
 10 responding to Zurich's Motion for Summary Judgment against United National. On October 19,
 11 2012, the court granted United National's motion and ordered that United National's opposition to
 12 Zurich's Motion for Summary Judgment would not be due until 15 days after the FRCP 30(b)(6)
 13 deposition of Zurich takes place. (EFC No. 92)

14 2. To date, Zurich's FRCP 30(b)(6) deposition has not been scheduled as the parties
 15 agreed that it would be scheduled after the court rules on Cross-Defendant National Fire & Marine
 16 Insurance Company's ("National Fire") currently pending Motion to Compel which was filed on
 17 December 24, 2012. (EFC No. 98) The timing of Zurich's FRCP 30(b)(6) deposition is also
 18 subject to the Stipulation filed by the parties on January 16, 2013 and by the Court's January 16,
 19 2013 Minute Order (EFC No. 116) which extends the time to take the deposition of Zurich's
 20 FRCP 30(b)(6) witness to a time to be determined by the Court when it rules of the parties'
 21 pending motions to compel.¹

22 3. On January 16, 2013, Zurich and National Fire took the deposition of United
 23 National FRCP 30(b)(6) witness Doreen Fournier. Pursuant to that deposition, on February 15,
 24 2013, Zurich withdrew its pending Motion for Summary Judgment (EFC No. 81) and filed a new
 25 Motion for Summary Judgment regarding United National's First Amended Complaint that
 26 contains additional evidence including deposition testimony from the Deposition of United
 27

28 ¹ Zurich and National Fire also have competing pending discovery motions regarding the taking of National Fire's
 FRCP 30(b)(6) witness and supplemental discovery responses.

National taken on January 16, 2013 (EFC No. 119).

4. The parties' agree that the Court's order (EFC No. 92) on the timing of United National's opposition to Zurich's prior Motion for Summary Judgment applies to the timing of United National's opposition to Zurich's current pending Motion for Summary Judgment (EFC No. 119).

5. Zurich and United National agree that United National shall have until fifteen (15) days after United National is able to depose Assurance and Maryland's FRCP 30(b)(6) representative(s) and Robert Derchi, in his individual capacity, in which to file a response to Zurich's Motion for Summary Judgment regarding United National's First Amended Complaint (EFC No. 119).

DATED this 7th day of March, 2013

DATED this 7th day of March, 2013

MORALES FIERRO & REEVES

CHRISTIAN, KRAVITZ, DICHTER
JOHNSON and SLUGA, LLC

By: /s/Ramiro Morales
Ramiro Morales
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*Attorneys for Defendants/Counterclaimants/
Third Party Plaintiffs Assurance Company of
American and Maryland Casualty Company*

*Attorneys for Plaintiff and Counter-Defendant
United National Insurance Company*

It is ORDERED that United National Insurance Company shall have (15) fifteen days after it is able to depose Assurance and Maryland's FRCP 30(b)(6) representatives and Robert Derchi, in his individual capacity, to file a response to Assurance Company of America and Maryland Casualty Company's Motion for Summary Judgment on United National Insurance Company's First Amended Complaint (EFC No. 119).



UNITED STATES DISTRICT JUDGE

Dated: March 8, 2013

1 Respectfully Submitted by:

2 MORALES FIERRO & REEVES

3

4 By: /s/ Ramiro Morales

5 Ramiro Morales

David Astengo

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7 *Attorneys for Defendants/Counterclaimants/*
8 *Third Party Plaintiffs Assurance Company of*
9 *American and Maryland Casualty Company*

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